



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-31244-2024
Date of Decision : August 28, 2024

DURVESH KUMAR ALIAS DURGESH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Harshit Jain, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 04.07.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.466 dated 10.10.2021, under Sections 34, 408 of the IPC (earlier registered under Sections 34, 381 of the IPC), registered at P.S. Tosham, District Bhiwani.

2. The learned counsel for the petitioner submits that, since petitioner’s co-accused- Parveen Kumar and Sandeep Kumar have already been granted the concession of anticipatory bail by this Court, as is evident from Annexure P-5, wherein becomes embodied the order dated



CRM-M-31244-2024

-2-

30.05.2024, drawn upon CRM-M-28514-2024, therefore, the petitioner, who is on a co-equal pedestal as his co-accused (supra), also deserves an alike relief of anticipatory bail.

3. Notice of motion for 28.08.2024.

4. Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel, at the very outset, on instructions imparted to him by the official concerned submits that though the petitioner had joined investigation and fully cooperated with the investigation process but recovery of Rs.75,000/- is yet to be effected from the petitioner, which is allegedly the cheated amount.

3. Since the petitioner has joined investigation and fully cooperated, therefore, merely because the cheated amount has not been recovered, the relief of anticipatory bail cannot be declined.

4. The instant petition for grant of anticipatory bail cannot be converted into a suit for recovery. The allegations which have been made in the instant FIR are yet to be established by the prosecution during the course



CRM-M-31244-2024

-3-

of trial. Therefore, the extracted interim order dated 4.7.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

August 28, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No